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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Republic of Korea

1. The Committee considered the ninth and tenth periodic reports of the Republic of Korea, submitted in one document (CERD/C/333/Add.1), at its 1307th and 1308th meetings, held on 2 and 3 March 1999 (CERD/C/SR.1307-1308), and adopted, at its 1329th meeting (CERD/C/SR.1329), held on 17 March 1999, the following concluding observations.

## A. Introduction

2. The Committee welcomes the report of the Republic of Korea and expresses its appreciation for the regularity with which the State party submits its reports. It takes note of the detailed supplementary information provided by the delegation in the oral dialogue with the Committee. Nevertheless, the Committee is of the view that the information submitted regarding the follow-up of recommendations made by it during the consideration of the previous report of the State party was incomplete. The Committee commends the quality of the delegation's oral replies to the questions raised during the discussion.

## B. Positive aspects

3. The commitment by the State party to adopt a Human Rights Act and establish a national human rights institution before the end of the year 1999 is welcomed.

4. It is noted with satisfaction that the State party ratified, on 4 December 1998, International Labour Organization (ILO) Convention (No. 111) concerning discrimination in respect of employment and occupation.

5. Legislative measures taken by the State party to prevent and combat racial discrimination are welcomed. These measures include the State party's decision to apply the Labour Standard Act to all illegal foreign workers as of October 1998; the amendment to the Foreign Land Acquisition Act on 15 May 1998 and the amendment to the Nationality Act on 13 December 1997.

6. It is noted with interest that, according to the information provided in the report of the State party, the provisions of the Convention take precedence over any conflicting national law.

7. The wide range of dissemination and training activities undertaken by the authorities in the field of human rights, including activities to prevent and combat racial discrimination, are welcomed.

8. The declaration made by the Republic of Korea under article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups, is welcomed, as well as the State party's ratification of the amendment to article 8, paragraph 6, of the Convention.

## C. Principal subjects of concern

9. While acknowledging that the envisioned Human Rights Act is intended to contain provisions covering all legal obligations set out in articles 2 and 4 of the Convention, the Committee remains concerned that neither the Constitution nor any law of the State party explicitly prohibits discrimination on the basis of race, colour, descent, or national or ethnic origin, and that no law contains provisions explicitly penalizing acts of racial discrimination or prohibiting organizations which promote and incite racial discrimination.

10. The absence of information in the State party's report regarding acts of racial discrimination as well as on action to prevent racial segregation in the light of General Recommendation XIX is regarded as a shortcoming.

11. The Committee notes that information provided with regard to article 5 of the Convention covered only labour-related rights. As a result, the Committee has been unable to form an opinion on the actual situation regarding the equal enjoyment by all persons of the other rights set forth in article 5 of the Convention.

12. The Committee is concerned at the vulnerable situation of foreigners with irregular status who live and work in the country, usually under difficult and precarious conditions. Such persons are victims of discrimination, in violation of article 5 of the Convention, notably paragraphs 5 (d) and (e).

13. While acknowledging the efforts undertaken by the State party to improve the status of foreigners, concern is expressed about discrimination against people of foreign origin who were born and have settled in the Republic of Korea. De facto discrimination against Amerasian children and against Korean women married to asylum seekers is also of concern.

## D. Suggestions and recommendations

14. The Committee recommends that the State party take all appropriate legislative measures to ensure that articles 2 and 4 of the Convention are fully reflected in domestic law. In this regard, it suggests that the Human Rights Act that is to be enacted before the end of 1999 explicitly prohibit discrimination on the basis of race, colour, descent, or national or ethnic origin, declare such acts illegal and penalize them, as prescribed in article 4 of the Convention. Additionally, the Committee requests that the State party submit, together with its next periodic report, the full texts of all new legislation adopted to prevent and combat discrimination.

15. The Committee recommends that the next report of the State party should include information on legislative and practical measures taken by the authorities to ensure respect for the provisions of article 5 of the Convention.

16. While acknowledging the fact that the State party has recently taken measures to improve the status of foreign "industrial trainees" and other foreigners working in the country, the Committee suggests that the Government of the Republic of Korea take further measures against discrimination in the labour conditions of foreign workers. The Committee also recommends that measures be taken to improve the situation of all migrant workers, particularly those with irregular status.

17. The Committee recommends that further measures be taken to ensure that persons of foreign origin who were born or have settled in the Republic of Korea are not subject to discrimination based on ethnic origin. The Committee recommends that the State party take all appropriate measures, including awareness-raising campaigns, to protect women married to asylum seekers and children of mixed marriages, particularly Amerasian children, from racial discrimination or racial prejudice.

18. Noting that no cases of racial discrimination have reached the courts or administrative bodies, the Committee recommends to the State party to increase its efforts to provide easy access to existing recourse mechanisms dealing with relevant provisions of the Convention, including the procedure set out in its article 14.

19. The Committee recommends that the State party provide legal aid to victims of acts of racial discrimination and facilitate access to recourse procedures by vulnerable groups.

20. The Committee suggests that the State party allocate more resources to facilitate dissemination, education and training in order to promote the principles and objectives of the Convention. In this regard, it recommends that the State party take appropriate steps to widely disseminate its report, along with the present concluding observations of the Committee, in the Republic of Korea.

21. The Committee recommends that the next periodic report of the State party be an updating report dealing with the suggestions and recommendations of the present concluding observations.

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